



STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LIQUOR CONTROL COMMISSION

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In the matter of the request of	)	
<b>ROGER W. DUFORD</b>	)	
13901 US 31	)	Request ID No. 566024
Beulah, Homestead Township	)	
Benzie County	)	
_____	)	

At the February 21, 2012 hearing of the Michigan Liquor Control Commission  
(Commission) in Lansing, Michigan.

PRESENT: Andrew J. Deloney, Chairman  
Teri L. Quimby, Commissioner  
Donald B. Weatherspoon, Commissioner

**LICENSING APPEAL ORDER**

On July 13, 2010, Roger W. Duford (applicant) filed a request to transfer ownership of the escrowed Class C and SDM licenses with Sunday Sales Permit (P.M.), Dance Permit, and Specific Purpose Permit (Food) from the Hugh Gene Duford Estate, Harriet H. Duford, Personal Representative, and new Outdoor Service under administrative rule R 436.1419(1) located directly adjacent to the licensed premises and which is well-defined and clearly marked measuring up to 45' x 60' at the above noted location.

At a meeting held on November 30, 2011, the Commission denied this request under administrative rule R 436.1105(2)(g) and (j) after considering the past convictions of the applicant and the effects that issuance of a license would have on the health, welfare, and safety of the general public when determining whether an applicant should be issued a

license or permit.

Thomas A. Pezzetti, Jr., legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter and represented the applicant at the February 21, 2012 hearing, at the Commission's Lansing office.

After hearing arguments, reviewing the MLCC file and Exhibit presented, and discussion of the issue on the record, the Commission finds that counsel on behalf of the applicant sufficiently demonstrated mitigating circumstances relative to the conviction record of the applicant, and provided several letters in support of the applicant's character and business relationships in the local community.

The Commission finds sufficient reasons to reverse its denial issued in this matter and to approve the applicant's request for the reasons stated on the record.

THEREFORE, IT IS ORDERED that:

- A. The denial order of November 30, 2011 issued in this matter is reversed and the applicant's request is APPROVED, subject to the following:
  - 1. Commission receipt of documentation confirming the transaction between Harriet Duford, Personal Representative to the Estate of Hugh Duford, and Roger Duford dated July 9, 2010, proposing the transfer of the licenses and permits upon payment of the outstanding escrow fees as required under administrative rule R 436.1107.
  - 2. The applicant shall pay any applicable statutory transfer fees due in accordance with Section 529 of the Michigan Liquor Control Code of 1998, being MCL 436.1529.

3. The applicant shall pay any accrued licensing fees from all elapsed licensing years while in escrow as required under administrative rule R 436.1107.
4. The licensee shall pay all license fees by April 30<sup>th</sup> each calendar year pursuant to administrative rule R 436.1107.
5. The licensee must submit proof of financial responsibility providing security for liability as required under MCL 436.1803. Failure to maintain proof of financial responsibility providing security for liability will result in the immediate suspension of the subject licenses and permit until the licensee provides the Commission with proof of financial responsibility as required under MCL 436.1803.
6. The licensee shall provide documentary proof to the Commission to demonstrate that, at a minimum, supervisory personnel on each shift and during all hours in which alcoholic liquor is served have successfully completed a server training program approved by the Commission as required under MCL 436.1501(1), within 180 days from the issuance of the licenses and permits, as provided in administrative rule R 436.1060.
  - a. The licensee shall maintain active certification of completion for server training on the licensed premises at all times as provided in administrative rule R 436.1060.
  - b. Failure to provide this documentary proof to the Commission within 180 days of the issuance of the licenses and permits shall result in the licensee being charged with failure to comply with this order, under

administrative rule R 436.1029, which may result in fines, suspension and/or revocation of the licenses and permits.

B. The request by the applicant to transfer the existing Sunday Sales Permit (P.M.) is APPROVED subject to the following:

1. A reference to the time of day includes daylight savings time, when observed.
2. This Permit is subject to revocation by operation of law or otherwise if the Commission receives notice from a county, city, village, or township that it prohibits the sale of spirits, mixed spirit drink, or beer and wine during the time authorized by this Permit.

C. The request by the applicant to transfer the existing Dance Permit is APPROVED subject to the following:

1. Issuance of this Dance Permit under MCL 436.1916(2) does not allow the licensee to have topless activity on the licensed premises.
2. The licensee must have a well defined and clearly marked dance floor that is 100 square feet or larger under administrative rule R 436.1415, and the licensee is prohibited from having tables, chairs, or other obstacles on the dance floor while customers are dancing .

D. The request by the applicant for Outdoor Service is hereby APPROVED.

1. The licensee must ensure that the outdoor service area is well-defined and clearly marked.
2. The licensee is prohibited from selling, or allowing the consumption of, alcoholic liquor outdoors, except in the defined area.

- E. The applicant's request for a Specific Purpose Permit (Food) to allow the facilities to be occupied and to allow the serving of food at times other than the legal hours for sale and consumption of alcoholic liquor is hereby APPROVED.
- F. Under administrative rule R 436.1003, the licensee must comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of these licenses and permits by the Michigan Liquor Control Commission does not waive any of these requirements.
- G. Failure to comply with all requirements of licensure in the State of Michigan will result in the licensee being charged with a violation of the Michigan Liquor Control Code, MLCC Administrative Rules, and Commission order, which may result in fines, suspension, and/or revocation of the licenses and permits.

MICHIGAN LIQUOR CONTROL COMMISSION

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Andrew J. Deloney, Chairman

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Teri L. Quimby, Commissioner

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Donald B. Weatherspoon, Commissioner

By its action on February 21, 2012.